

#9 DAC

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
90337.129301

In Re Application Of: Francis X. Smith

Serial No. 09/706,388
NOV 04 2002

Filing Date
November 4, 2000

Examiner
R. D. Lovering

Group Art Unit
1712

Invention:

IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. A proposed reply to the above-identified notice or action:

is enclosed. was filed on _____

The proposed reply is in the form of: Response to Restriction Requirement Electing Claims 13-25

2. The issue fee:

is enclosed. was paid on _____

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3. The abandoned application was a:

design application. utility application. plant application.

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4. A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.
01 FC:1453 120.00

5. Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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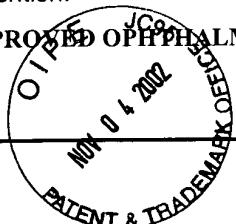
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| Serial No. | Filing Date | Examiner | Group Art Unit |
|------------|------------------|----------------|----------------|
| 09/706,338 | November 4, 2000 | R. D. Lovering | 1712 |

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Calculation and Payment of Fees

Enclosed are the following fees:

6. Petition fee under 37 CFR 1.17(m) in the amount of: \$1,280.00

7. Fee for amendment in the amount of: _____

8. Fee for extension of time to respond to Office Action in the amount of: _____

9. Issue fee in the amount of: _____

10. Continuing application filing fee in the amount of: _____

11. Terminal disclaimer fee in the amount of: _____

12. _____

Total fees enclosed: \$1,280.00

The fee of \$1,280 is to be paid as follows:

A check in the amount of the fee is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 10-0223

A duplicate copy of this sheet is enclosed.

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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Signature

Christopher E. Blank, Esq.
Reg. No.: 31,237
JAECKLE FLEISCHMANN & MUGEL, LLP
39 State Street
Suite 200
Rochester, New York 14614-1310
Tel: (585) 262-3640
Fax: (585) 262-4133

Dated: October 28, 2002

I certify that this document and fee is being deposited on 10/28/2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

William M. Hall

Typed or Printed Name of Person Mailing Correspondence

CC: